UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/711,272	09/07/2004	John Ronald Burr	133684-1	5271

23413   7590   10/09/2007

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ART UNIT	PAPER NUMBER
2168	

MAIL DATE	DELIVERY MODE
10/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/711,272	BURR ET AL.
	Examiner	Art Unit	
	Dangelino N. Gortayo	2168	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>18 July 2007</u>.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-24</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-24</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>07 September 2004</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   Claims 1-24 are pending in this application.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3.   Claims 15-16 and 23-24 rejected under 35 U.S.C. 102(e) as being anticipated by

Petite (US Patent 7,103,511 B2).

As per claim 15, Petite teaches "A method for sharing configuration information

among a plurality of devices," (see Abstract and column 2 line 48 – column 3 line 6)

"the method comprising: transmitting a data sample from a producer device to a

consumer device via a network;" (Figure 1 references 130, 140, column 5 lines 17-23,

and column 6 lines 44-61, wherein one or more sensors or actuators are connected to

the network and sends information to site controllers)

"receiving a request at the producer device from the consumer device to send

configuration information to the consumer device, the configuration information relating

to the data sample;" (column 11 lines 11-56 and column 16 lines 10-20, wherein site

controllers contain memory with look-up tables holding specific settings and functions, and can pass messages to a plurality of sensor/actuators containing commands)

"automatically transmitting the configuration information stored in the producer device that is not from a central configuration repository from the producer device to the consumer device via the network in response to receiving the request from the consumer device" (column 12 lines 8-19, lines 56-64, and column 15 line 25-41, lines 48-57, wherein a site controller can send changes in current sensor/actuator settings in response to detected data from sensor/actuators)

As per claim 16, Petite teaches "detecting a mismatch at the consumer device in the configuration information." (column 6 line 62 – column 7 line 7)

As per claim 23, Petite teaches "A computer program product for sharing configuration information among a plurality of devices," (see Abstract and column 2 line 48 – column 3 line 6)

"the computer program product comprising: a storage medium readable by a processing circuit and storing instructions for execution by the processing circuit for performing a method comprising:" (column 8 lines 35-58)

"transmitting a data sample from a producer device to a consumer device via a network;" (Figure 1 references 130, 140, column 5 lines 17-23, and column 6 lines 44-61, wherein one or more sensors or actuators are connected to the network and sends information to site controllers)

"receiving a request at the producer device from the consumer device to send

configuration information to the consumer device, the configuration information relating

to the data sample;" (column 11 lines 11-56 and column 16 lines 10-20, wherein site

controllers contain memory with look-up tables holding specific settings and functions,

and can pass messages to a plurality of sensor/actuators containing commands)

"automatically transmitting the configuration information stored in the producer

device that is not from a central configuration repository_ from the producer device to

the consumer device via the network in response to receiving the request from the

consumer device" (column 12 lines 8-19, lines 56-64, and column 15 line 25-41, lines

48-57, wherein a site controller can send changes in current sensor/actuator settings in

response to detected data from sensor/actuators)

As per claim 24, Petite teaches "configuration information is stored in the

producer device." (column 11 lines 11-22, column 17 lines 12-26, lines 36-42)

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 1-14 and 17-22 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Petite (US Patent 7,103,511 B2) in view of Carlson et al. (US Patent

7,133,907 B2)

As per claim 1, <u>Petite</u> teaches "A system for sharing configuration information among a plurality of devices," (see Abstract and column 2 line 48 – column 3 line 6)

"the system comprising: a network;" (Figure 1 and column 4 lines 21-34)

"a plurality of consumer devices in communication with the network;" (Figure 1 references 130, 140, column 5 lines 17-23, and column 6 lines 44-61, wherein one or more sensors or actuators are connected to the network)

"and a plurality of producer devices in communication with the network, the plurality of producer devices able to communicate with the plurality of consumer devices via the network," (column 5 lines 57-10, wherein a plurality of site controllers are connected to a plurality of sensors/actuators via transceivers, and is also connected to the automated monitoring system, including multiple user workstations)

"each of the plurality of producer devices including independent configuration information protocol without a central configuration information repository that when provided to one of the plurality of consumer devices allow the receiving consumer device to properly configure data received from the producer device from which the configuration information was received," (column 11 lines 11-56 and column 16 lines 10-20, wherein site controllers contain memory with look-up tables holding specific settings and functions, and can pass messages to a plurality of sensor/actuators containing commands)

"each of the plurality of consumer devices able to automatically request

configuration information from one of the plurality of producer devices pertaining

to data received from the one of the plurality of producer devices in response to

receiving data from the one of the plurality of producer devices." (column 12 lines

8-19, lines 56-64, and column 15 line 25-41, lines 48-57, wherein a site controller

can send changes in current sensor/actuator settings in response to detected

data from sensor/actuators)

Petite does not teach "one of the plurality of producer devices having

configuration information that can be different than the configuration information in

another of the plurality of producer devices,"

Carlson teaches "one of the plurality of producer devices having configuration

information that can be different than the configuration information in another of the

plurality of producer devices," (column 6 lines 7-22, column 6 line 61 – column 7 line 21,

wherein a plurality of elements contain multiple different configuration information for a

plurality of resources).

It would have been obvious at the time of the invention for one of ordinary skill in

the art to modify Petite's system of monitoring and controlling a plurality of remote

devices with Carlson's ability to utilize multiple configuration information contained in

different elements to provide configuration elements for a plurality of resources to

handle multiple configuration files contained in different sources. This gives the user the

ability to utilize multiple configurations that are separately stored in different site

controllers. The motivation for doing so would be to provide an optimal configuration in a network (column 2 lines 37-39)

As per claim 2, <u>Petite</u> teaches "the configuration information includes one or more of data type, encoding, location, and array length a signature, a time stamp, data size, an array element index, cardinality, an offset, and an address of a data sample." (column 17 lines 12-26, lines 36-42)

As per claim 3, <u>Petite</u> teaches "the configuration information includes default values." (column 11 lines 33-45, "function codes")

As per claim 4, <u>Carlson</u> teaches "the configuration information includes a first configuration and a second configuration, the second configuration being unique in comparison to configurations of all other producer devices, the producer device transmits the data sample having the first configuration and a version of the first configuration and at least one of an indication that the second configuration is pending and a version of the second configuration." (column 10 lines 6-35, column 11 lines 7-17)

As per claim 5, <u>Carlson</u> teaches "the producer device receives a request from the consumer device to send the configuration information in response to the at least one of the indication that the second configuration is pending and the version of the second configuration." (column 10 line 36 – column 11 line 3)

As per claim 6, <u>Carlson</u> teaches "the configuration information includes a first configuration and a second configuration, the second configuration being unique in comparison to configurations of all other producer devices, the producer device transmits at least one of the data sample having the first configuration, a version of the

first configuration, an indication that the second configuration is pending, and a version of the second configuration." (column 10 lines 6-35, column 11 lines 7-17)

As per claim 7, <u>Carlson</u> teaches "the producer device receives a request from the consumer device to send the configuration information in response to the at least one of the indication that the second configuration is pending and the version of the second configuration." (column 10 line 36 – column 11 line 3)

As per claim 8, <u>Petite</u> teaches "the consumer device detects a mismatch in the configuration information via the network." (column 6 line 62 – column 7 line 7)

As per claim 9, <u>Petite</u> teaches "the producer device receives an instruction from external source to change the configuration information from a first configuration to a second configuration." (column 20 lines 33-45)

As per claim 10, <u>Petite</u> teaches "the producer device instructs the consumer device via the network that a change in the configuration information is pending." (column 17 lines 12-35, column 18 lines 9-22, column 19 line 49 – column 20 line 5)

As per claim 11, <u>Petite</u> teaches "the producer device maintains a first configuration for a predetermined time and creates a second configuration." (column 17 lines 12-26, lines 36-42)

As per claim 12, <u>Petite</u> teaches "the producer device transmits the second configuration to the consumer device." (column 15 lines 48-67)

As per claim 13, <u>Petite</u> teaches "the producer device implements the second configuration and the consumer device responds and implements the second configuration." (column 16 line 55 – column 17 line 11)

As per claim 14, <u>Petite</u> teaches "the network includes at least one of an local area network, a wide area network, a global network, a virtual private network, an intranet, an Ethernet local area network with internet protocol." (Figure 1 reference 120 and column 5 lines 57-65)

As per claim 17, <u>Petite</u> is disclosed as per claim 15 above. <u>Petite</u> does not teach "receiving an instruction at the producer device to change the configuration information from a first configuration to a second configuration."

<u>Carlson</u> teaches "receiving an instruction at the producer device to change the configuration information from a first configuration to a second configuration." (column 6 lines 7-22, column 6 line 61 – column 7 line 21, wherein a plurality of elements contain multiple different configuration information for a plurality of resources).

It would have been obvious at the time of the invention for one of ordinary skill in the art to modify Petite's system of monitoring and controlling a plurality of remote devices with Carlson's ability to utilize multiple configuration information contained in different elements to provide configuration elements for a plurality of resources to handle multiple configuration files contained in different sources. This gives the user the ability to utilize multiple configurations that are separately stored in different site controllers. The motivation for doing so would be to provide an optimal configuration in a network (column 2 lines 37-39)

As per claim 18, <u>Petite</u> teaches "instructing the consumer device via the network that the change in the configuration information is pending." (column 18 lines 9-22)

As per claim 19, <u>Petite</u> teaches "maintaining the first configuration at the producer device for a predetermined time and creating the second configuration at the producer device." (column 17 lines 12-26, lines 36-42)

As per claim 20, <u>Petite</u> teaches "transmitting the second configuration to the consumer device." (column 15 lines 48-67)

As per claim 21, <u>Petite</u> teaches "implementing the second configuration at the producer device." (column 15 lines 48-67 and column 17 lines 36-42)

As per claim 22, <u>Petite</u> teaches "implementing the second configuration at the consumer device in response to the producer device implementing the second configuration." (column 16 line 55 – column 17 line 11)

Response to Arguments

6.   Applicant's arguments, see page 6, filed 7/18/2007, with respect to the rejection of claims 1-24 have been fully considered but they are not persuasive.

a.   Examiner is entitled to give claim limitations their broadest reasonable interpretation in light of the specification. See MPEP 2111 [R-1]

Interpretation of Claims-Broadest Reasonable Interpretation During patent examination, the pending claims must be 'given the broadest reasonable interpretation consistent with the specification.' Applicant always has the opportunity to amend the claims during prosecution and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be

interpreted more broadly than is justified. In re Prater, 162 USPQ 541,550-51

(CCPA 1969).

b.   Applicant's argument is stated as Petite does not teach the limitation of

configuration information stored in the producer device that is not from a central

configuration repository.

In regards to the argument, Examiner respectfully disagrees. The

argument the applicant's representative makes hinges on the advantages

disclosed by the specification, and that a central configuration repository is a

primary element of Petite. Examiner respectfully directs attention to Figure 1,

reference 150, wherein a plurality of site controllers are present and

communicates with clients. The rejection above interprets site controllers to be

producer devices connected to sensor and actuator devices, herein interpreted

as consumer devices. There is no central configuration repository, but rather one

or a plurality of site controllers that transmit current actuator settings, herein

interpreted as configuration information, to sensors and actuators (column 5 lines

57-61, column 12 lines 8-19, lines 56-64). The cited section, column 16 lines 17-

20, in the response page 6, states that the fact that site controller maintains

device information makes it analogous to a central configuration repository.

Examiner respectfully disagrees, as storing configuration information in the

producer device is disclosed by the limitations of the claim, and so the fact that

site controller contains device information does not make it a central

configuration repository, since a plurality of site controllers may be present in the

network. The device information may also be from the sensor devices, which the site controller stores to respond to data requests (column 12 lines 56-64). Therefore, Petite teaches that configuration information is stored in the producer device that is not from a central configuration repository.

c.   Applicant's argument is stated as Petite in view of Carlson does not teach the limitation of no central configuration repository.

In regards to the argument, Examiner respectfully disagrees. As outlined above in the response to the arguments, Petite discloses configuration information stored in the producer device that is not from a central configuration repository. Carlson is used in combination with Petite to disclose the limitation that one of a plurality of devices contains configuration information contains different configuration information stored in another of a plurality of devices, and is not used to reject the limitation involving no central configuration repository being present. Therefore, Petite in view of Carlson teaches the limitation of no central configuration repository.

d.   Applicant's argument is stated as Petite in view of Carlson does not teach the producer device instructs the consumer device via the network that a change in the configuration information is pending.

In regards to the argument, Examiner respectfully disagrees. As established above, a site controller transmits device settings to a single or a plurality of sensors and actuators. Column 17 lines 12-35 teaches that a site controller sends "read status" messages to a sensor/actuator to convey that a

status is needed as part of a command message. A command message from a

site controller is a specific command that a sensor/actuator must follow (column

16 lines 55-64). Via command messages, a site controller can monitor and

control a plurality of devices (column 20 lines 33-45), provided the receiving

device receives the command message and sends back an acknowledgement.

Petite in view of Carlson teaches the producer device instructs the consumer

device via the network that a change in the configuration information is pending.

Conclusion

7.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

8.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Dangelino N. Gortayo whose telephone number is

(571)272-7204. The examiner can normally be reached on M-F 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim T. Vo can be reached on (571)272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Dangelino N. Gortayo   Tim Vo
Examiner   SPE

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